

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

EARL SIDNEY DAVIS,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 07-cv-646-JPG
)	
DAVID STANTON, <i>et al.</i>,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

GILBERT, District Judge:

This matter is before the Court on Plaintiff's motion to reconsider (Doc. 11). Plaintiff, a person civilly confined at the Department of Human Services's Rushville Treatment and Detention Facility, filed a civil action pursuant to 42 U.S.C. § 1983 along with a motion to proceed *in forma pauperis*. This Court granted the motion to proceed *in forma pauperis*, but directed that installment payments be made from Plaintiff's account as provided in 28 U.S.C. § 1915(b). Even though Plaintiff is civilly confined, the Court found that the installment payment provisions applied to him. *See, Kalinowski v. Bond*, 358 F.3d 978, 978-79 (7th Cir. 2004) (civilly committed sex offenders in Illinois are subject to the PLRA). Petitioner contends that the installment payment provisions do not apply to him

DISCUSSION

Technically, a "Motion to Reconsider" does not exist under the Federal Rules of Civil Procedure. Usually, such motions are treated as having been filed pursuant to Rule 59(e) or Rule 60(b) of the Federal Rules of Civil Procedure. *See, e.g., Mares v. Busby*, 34 F.3d 533, 535 (7th Cir.

1994); *United States v. Deutsch*, 981 F.2d 299, 300 (7th Cir. 1992).

A motion under Rule 59(e), however, must be filed within 28 days of the date judgment is entered. Fed. R. Civ. P. 59(e). A motion filed under Rule 60(b) must be filed “within a reasonable time - and for reasons (1), (2), and (3) no more than a year after the entry of the judgment.” Fed. R. Civ. P. 60(c)(1). In the instant case, Plaintiff’s motion to reconsider was filed nearly 2 years after the judgment dismissing his case was entered. This is not a “reasonable time” even under Rule 60(c)(1). Therefore, the instant motion to reconsider is **DENIED**

IT IS SO ORDERED.

Dated: July 23, 2010.

s/ J. Phil Gilbert
U. S. District Judge